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ROBERT R. DI TROLIO  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

MICHAEL D. MOSBY,

Plaintiff,

VS.

MICHAEL STRAIN,

Defendant.

No. 02-1250-T/An

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ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT OR ORDER



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On March 28, 2005, plaintiff Michael D. Mosby filed both a Petition for Leave to Serve Subpoena Duces Tecum and a Motion for Reargument. The motions were an attempt to persuade the Court to alter rulings originally made in an Order Denying Plaintiff's Petition for Leave to Serve Subpoena Duces Tecum entered March 15, 2005. However, neither of the March 28 motions contained a certificate of service showing that copies had been provided to the defendant, as required by Fed. R. Civ. P. 5(a). On April 1, 2005, the Court denied the motions for that reason. Plaintiff has now filed a Motion for Relief from Judgment or Order in which he states that copies of the motions were served on the defendant, but that certificates of service were inadvertently omitted from the documents sent to the Court for filing.

The Court accepts plaintiff's explanation that the omission of the certificates of service was unintentional. However, consideration of the March 28 motions on the merits

fails to persuade the Court that the rulings originally made in the March 15 order, regarding the issuance of a subpoena duces tecum, should be modified. Accordingly, plaintiff's motion for relief from judgment or order is DENIED.

IT IS SO ORDERED.

  
\_\_\_\_\_  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE  
  
\_\_\_\_\_  
DATE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 111 in case 1:02-CV-01250 was distributed by fax, mail, or direct printing on April 28, 2005 to the parties listed.

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Honorable James Todd  
US DISTRICT COURT